

Constitutional Defense Council

Public Lands Policy Coordination Office

Olmsted Room
Utah State Capitol Complex
October 22, 2009
10:00 a.m.

Minutes

Attendees

Council Members:

Mike Noel, Representative, Utah House of Representatives
Dennis Stowell, Senator, Utah Senate
Mike McKee, Commissioner, Uintah County
Clare Ramsay, Commissioner, Garfield County
Jim Eardley, Commissioner, Washington County
Leonard Blackham, Commissioner, Utah Department of Agriculture and Food
Kim Christy, Assistant Director, SITLA (Representative for Kevin Carter)
Mike Styler, Executive Director, Department of Natural Resources

Guests:

Kathleen Clarke
Larry Lewis

Staff:

John Harja, Director, Public Lands Policy Coordination
Harry Souvall
Tiffany Pezzulo
Ben Machlis
Debby Montgomery

Representative Mike Noel called the meeting to order at 10:05 a.m.

- Initial member attendance did not provide a quorum.
- Proceeded to item #4 on the Agenda.

Grazing:

- Leonard Blackham, Commissioner, Utah State Department of Agriculture and Food (UDAF).

- Summarized UDAF studies regarding "Managed Grazing and It's Proven Productivity".
- Explained how livestock management would work to the benefit of livestock, wildlife and the environment
- Employed timing, duration, the season and frequency of intensity.
- The majority of rangeland was not overstocked, but undermanaged.
- Reported UDAF believed the strengths of the Plan included:
 - Sustainability through diversity.

- Management for healthy watersheds.
- Success obtained by Deseret Land and Livestock utilizing the method.

Commissioner Blackham reported on the success Deseret Land and Livestock had implementing these concepts,

- Improved plant life.
- Improved wildlife.
- Increased livestock
- Profit position.

- Reported on a proposed consolidated project creating a Grazing Association Co-op, involving 26 ranchers, in Rich County.
- Process to get support from NEPA.
- BLM and Forest Service were supportive.
- DWR, DNR, SL Chamber of Commerce and 4 groups from State of Utah had indicated their interest in the management plan.

-Representative Noel reported Allan Savory, author of “Holistic Management” had developed a similar program 20 years ago. Indicated the intensive program had proven successful, when managed correctly, summarized advantages, necessities and concerns.

- A brief discussion was held amongst the council members regarding “Managed Grazing and Its Productivity Plan”.

-Commissioner Blackham requested the members review the Utah State University Grazing Management studies, presented them by Director Harja.

- Senator, Dennis Stowell, noted a presentation concerning the study, by Roger Banner, Principal Investigator, Utah State University, Wildland Resources Department, would be scheduled for a later time.

-Commissioner Blackham reported the Federal Government had challenged three allotments in Rich County.

- Believed to be a test case, initiated by Western Watershed, which could set a precedent.
- UDAF worked with AG’s office concerning legal assistance, considered outside legal assistance for involved ranchers.
- UDAF grazing improvement funds could be utilized.

- A brief discussion was held amongst the council members regarding the allotment challenge.

BLM Report Concerning Oil and Gas Lease Offerings in Utah:

- Senator Stowell reported on the “Red Rock Wilderness Bill”.
 - Thirty five negative responses within 24 hours were received from legislators.
 - DNR, NEA and UEA also opposed the bill.
 - The public was being misled by the media by indicating the majority supported the bill.
 - Funds are needed

- Commissioner McKee reported he had visited with the newly elected Congressmen in DC and was successful in bringing support of the Wilderness Bill down significantly.

- Assistant Director, Christy reported BLM had 7000 aums. SITLA had about 200,000 aums, representing 1,500 grazing permits.
 - Thanked Kathleen Clarke and Commissioner Noel for their efforts.
 - Indicated the State Trust Lands would be a better candidate than BLM to expedite improvements.
- A brief discussion was held amongst the council members regarding the “Red Rock Wilderness Bill.”
- Commissioner Ramsey questioned the chance of the “Red Rock Wilderness Bill” passing? He noted the law states “to be considered a wilderness, an area must contain 5,000 acres or more, with no roads”. Comm. Ramsey further noted, there was no place in Utah with 5,000 roadless acres.
- Director Harja stated Congress interprets how the law is applied to a particular piece of land, noting the Supreme Court would be unlikely to overturn a decision made by Congress.
- A brief discussion was held amongst the council members regarding the “Red Rock Wilderness Bill.”
- Kathleen Clarke commented on the legal challenges, initiated by Western Watershed, faced by ranchers on the Dove Creek allotment. The plan, similar to the one in Rich County was put together by ranchers, environmentalists, and DWR.
- Director Harja reported on the “Red Rock Wilderness Bill” hearing, held in Washington D.C., noting the bill was not expected to move forward.
- Senator Stowell moved; *The Constitutional Defense Council decline support for the “Red Rock Wilderness Bill.”* Motion amended to include; *A letter be sent to Governor Herbert, the Leadership in the Legislature, Congressmen, Mr. Hinche, Scott Grube, Durban.* Motion was seconded by Commissioner Jim Eardley. Motion passed unanimously.

BLM Report Concerning Oil and Gas Lease Offerings in Utah:

- Director John Harja reported on the Oil and Gas Lease Offerings status;
 - Secretary Salazar pulled 77 leases which included
 - Seventeen parcels, currently surrounded by oil wells, were approved for immediate release.
 - Eight parcels were permanently excluded from any future leasing, due to their proximity to State Parks.
 - Fifty two parcels are under consideration pending information on yet to be released manuals dealing with Sage Grouse, wilderness characteristics and air quality.
- Director Harja reported the new administration had moved towards conservation priorities, requiring consideration of global warming in future reports.

- Harry Souvall, Assistant Attorney General, Legal Council for RS2477 presented a report on the status of the motion to transfer venue, noting it is still in the hands of the court.
 - Harry Souvall briefly summarized the “Settlement Agreement” for the council.
 - Commissioner McKee reported oil and gas officials had indicated their intent to relocate their mining operations if the required permits were not expedited.
 - A brief discussion was held amongst the council members regarding the Oil and Gas Leases.
 - Representative Mike Noel moved:
The Governor and Executive Appropriations Committee be sent a letter from the Constitutional Defense Council advising:
 - *On the current issues, possible future lawsuits and appropriated funds being reduced, due to the withdrawal of O & G leases.*
 - *The economic impact the State is currently faced with.*
 - *Appropriated funds are drastically reduced due to the leases.*
- Motion seconded by Commissioner Clare Ramsay. Passed unanimously.

- Commissioner McKee moved:
A letter be sent to Secretary Salazar and the State Bureau of Land Management Executives:
 - *Requesting expedition of the leasing process.*
 - *Advising the possible reality of the Oil and Gas Companies withdrawal from their bids.*
 - *Effects on Utah economy.*
 - *The letter should be sent Monday or Tuesday of next week.*
- Motion seconded by Commissioner Jim Eardley. Motion passed unanimously.

Public Roads:

- Current Litigation and Other Efforts:
 - Harry Souvall, reported on the current RS 2477 Roads, Salt Creek Case litigation status, Federal Judge Jenkins presiding.
 - The Federal Judge and attorneys, drove through and flew over, the areas in question
 - Harry Souvall was optimistic a favorable decision would be rendered within the next 6 months.
 - PLPCO filed a motion to change judicial venue to Utah.
- Director Harja reported litigation funding for the R.S. 2477 Roads project were drastically reduced.
- A brief discussion was held amongst the members regarding litigation.
- Commissioner McKee stated Utah State currently in a critical time
 - Precedents will be set.
 - Suggested funds from severance monies be utilized.
 - State must address issues, in a timely manner.

- Director Harja stated “issues would be aggressively addressed as necessary.”
- Director Harja provided the council with a copy and brief summary of the “2009 Updated Plan for R.S. 2477Rights”.
- A brief discussion was held amongst the council members regarding the plan.
- Commissioner McKee moved: “*The 2009 Updated Plan for R.S. 2477 Rights*” *be approved*. Motion seconded by Comm. Eardley. Motion passed unanimously.

Other Business: None

Approval of June 18, 2009 Minutes:

- Commissioner Eardley moved to: *Approve the June 18, 2009 minutes as submitted*. Motion passed unanimously.

Public Comments: None

Next Meeting: November 19, 2009 at 10:00 a.m.

Adjournment: Meeting adjourned at 11:50 a.m.